

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:12-CV-113

PRIMO PRODUCTS, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
	)	
ELECTROTEMP TECHNOLOGIES	)	
CHINA, INC.	)	
	)	
Defendant.	)	

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**I. INTRODUCTION**

**THIS MATTER** is before the Court upon the parties' Joint Motion to Stay Litigation (Doc. No. 14). For the reasons stated herein, the motion is GRANTED IN PART AND DENIED IN PART. Defendant previously filed a motion to compel arbitration and dismiss or stay litigation (Doc. No. 9), which is HEREBY DENIED as moot.

The parties request that the Court stay the above captioned litigation while they proceed to mediation and possibly to arbitration. The motion is GRANTED IN PART and the litigation is stayed beginning when the parties formally enter arbitration. See 9 U.S.C. §2, et seq.; AT&T Mobility, LLC v. Concepcion, 131 S. Ct. 1740, 1748 (2011) (noting that section two (2) of the Federal Arbitration Act, 9 U.S.C. § 2, makes arbitration agreements "valid, irrevocable, and enforceable" and that section three (3), 9 U.S.C. § 3, requires courts to stay litigation of pending arbitrable claims). However, the motion is DENIED IN PART for all other times, including while the parties are engaged in non-binding mediation. Until the parties enter arbitration they are to continue to follow the Court's Standing Order Governing Civil Case Management, No.

3:07-MC-47, and the Federal Rules of Civil Procedure, including all rules regarding discovery, filing an answer, and participating in an attorney conference pursuant to Fed. R. Civ. P. 26(f).

If the parties proceed to arbitration, they are HEREBY ORDERED to proceed according to their agreement as outlined in the instant motion (Doc. No. 14). They are further ordered to notify the Court within ten (10) days that arbitration has commenced, provide a status report every ninety (90) days while they are engaged in arbitration, and to notify the court within ten (10) days of a final ruling in arbitration. The Court will retain jurisdiction over this matter until its final disposition.

IT IS SO ORDERED.

Signed: May 1, 2012



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Frank D. Whitney  
United States District Judge

